

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

VICTOR ALEXANDER RODRIGUEZ
DEL GIUDICE, GREGORY LORENZO,
BOB RIVERA, MARINO AVILA, and
FELIX PENA,

Defendants.

4:21CR3036

ORDER

The court held a Rule 17.1 hearing today with all counsel. Each defendant has been offered and decided to reject a plea agreement proposed by the government.

Accordingly,

IT IS ORDERED:

- 1) If a defendant hereafter chooses to enter a plea of guilty:
 - a) The defendant can consent to enter the plea before the undersigned magistrate judge by Zoom, provided the plea hearing is scheduled to be held on or before January 5, 2023; and
 - b) Any plea hearings scheduled before Judge Rossiter after the date of this order will be held in Courtroom 4, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE.
Note: Judge Rossiter will not schedule a plea hearing without first receiving a copy of the parties' signed plea documents.

- 2) The parties' trial briefs, proposed jury instructions, and any motions in limine with supporting briefs and evidence (if needed), must be filed on or before January 9, 2023.
- 3) On or before January 9, 2023, the government must disclose a complete statement of all opinions that the government will elicit from expert witnesses during its case-in-chief, or during its rebuttal to counter anticipated expert testimony that the defendant has disclosed.

On or before January 17, 2023, each defendant must disclose a complete statement of all opinions he will elicit from expert witnesses during his case-in-chief.

Since this case was filed before the December 1, 2022 modifications to Fed. Crim. R. 16, the parties have not requested nor been ordered to disclose either the expert witnesses' list of publications authored in the previous 10 years, or the list of all other cases in which the witness has testified as an expert at trial or by deposition during the last four years. Any such request by Defendant must be made on or before January 3, 2023, with any reciprocal request made by the government on or before January 9, 2023.

- 4) As to each defendant who has not previously entered a plea of guilty, a Frye hearing will be held before the undersigned magistrate judge in Courtroom No. 2, Lincoln federal courthouse on January 20, 2023. Counsel shall promptly contact my courtroom deputy, Jeri Bierbower, at jeri_bierbower@ned.uscourts.gov, or at (402) 437-1905, to schedule these hearings.

Dated this 28th day of December, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge